

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA**

YUICHIRO MIYATA and SYRINTHIA
MIYATA, and the marital community
comprised thereof,

Plaintiffs,

v.

MOUNTAIN RUN SOLUTIONS, LLC, et al,
Defendants.

NO. 3:20-cv-05519-DGE

[PROPOSED]

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

I. ORDER

THIS MATTER came on before the undersigned Judge of the above-entitled Court for a videoconference hearing on damages. The Plaintiffs were represented by SaraEllen Hutchison of Law Office of SaraEllen Hutchison, PLLC and Robert W. Mitchell, Attorney at Law PLLC. The Judgment Debtors were in default; Dkts. 20; 21.

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II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court having heard testimony from Plaintiffs reviewed the records on file in this action, makes the following findings of fact and conclusions of law:

1. Defendants are “debt collectors” pursuant to the Fair Debt Collection Practices Act, as defined at 15 U.S.C. §1692a;
2. Plaintiffs are “consumers” as defined at 15 U.S.C. §1692a and as contemplated by RCW 19.86 *et seq*;
3. Defendants are “businesses” as defined by RCW 19.86 *et seq*;
4. Defendants are “furnishers” subject to 15 U.S.C. §1681 *et seq*;
5. Defendants violated 15 U.S.C. §1692e(2)(A) when Defendants falsely represented the character, legal status or amount of a debt;
6. Defendants violated 15 U.S.C. §1692e(8) when they communicated to the credit reporting agencies information that is known, or should be known to be false;
7. Defendants violated RCW 19.86.020 by engaging in unfair and/or deceptive conduct in the course of trade or commerce which is capable of repetition, involving a matter of public interest affecting other consumers in the State of Washington;
8. Defendants violated 15 U.S.C. §1681s-2(b) when they failed to reasonably reinvestigate in response to Plaintiffs’ credit reporting dispute after being on notice of same from Experian, and by failing to delete inaccurate information;
9. Plaintiffs are entitled to \$1000 each for statutory damages pursuant to 15 U.S.C. §1692k;
10. Plaintiffs are awarded \$50,000 for actual damages pursuant to 15 U.S.C. §1692k and 15 U.S.C. §1681o;

11. This Court finds that \$50,000 is just and reasonable compensation for the emotional distress, marital discord, financial uncertainty and sleepless nights proximately caused by Defendants' statutory violations stemming from Defendants' collection and credit reporting of an inflated, obsolete debt;

12. Punitive damages in the amount of \$25,000 are assessed against Defendants pursuant to 15 U.S.C. §1681n;

13. This Court finds that were on notice of their credit reporting error through Plaintiffs' multiple disputes, and then disregarded it in conscious disregard of the Plaintiffs' rights, making punitive damages appropriate;

14. Defendants demonstrated complete indifference to the Plaintiffs' safety or rights, and punitive damages in the amount of \$25,000 is an appropriate amount to punish the Defendants and deter similar conduct in the future;

15. Plaintiffs spent considerable time on the problem that they could have spent on other, more economically productive activities, warranting actual economic damages pursuant to RCW 19.86.090 in the amount of \$150.00, trebled to the amount of \$450.00.

III. ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Plaintiffs are awarded judgment against Defendants in the amount of \$77,450.00;
2. Plaintiffs shall submit a motion for attorney's fees and bill of costs within 10 days of the entry of this order, at which time the judgment shall be amended to reflect the total judgment in this matter including costs and fees.

Dated this _____ day of December, 2021.

THE HON. DAVID G. ESTUDILLO
UNITED STATES DISTRICT COURT JUDGE

PRESENTED BY:

S//SaraEllen Hutchison
SARAELLEN HUTCHISON (WSBA #36137)
Law Office of SaraEllen Hutchison, PLLC
539 Broadway
Tacoma, WA 98402
Telephone: (206) 529-5195
Facsimile: (253) 302-8486
Email: saraellen@saraellenhutchison.com

S//Robert Mitchell
ROBERT MITCHELL, WSBA No. 37444
Robert Mitchell Attorney at Law, PLLC
700 W. Evergreen Blvd.
Vancouver, WA 98660
Telephone: (360) 993-5000
Email: bobmitchellaw@gmail.com

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington that on the 14th day of December 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered CM/ECF participants in this case.

DATED this 14th day of December at Tacoma, Washington.

Respectfully submitted,

S//SaraEllen Hutchison
SARAELLEN HUTCHISON (WSBA #36137)